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## United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

DD/A Registry

82-0473

N# 9818

February 16, 1982

The Honorable William J. Casey  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

RE: Paisley v. CIA et al

Dear Mr. Casey:

In a letter from [redacted] dated November 5, 1981, the Senate Select Committee on Intelligence was informed certain Congressional documents currently in the physical possession of the Central Intelligence Agency are being sought in the above case under the Freedom of Information Act. The material requested under this litigation includes CIA memoranda repeating oral requests from this Committee and the responses to those Committee requests, and CIA journal entries repeating conversations of meetings and/or telephone conversations with Committee members or staff.

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We oppose the release of these documents. We take this stand based on the Congressional document exemption to the Freedom of Information Act.

This Committee (pursuant to S.Res. 400, 94th Congress) and its predecessor, the Select Committee to Study Governmental Operations with Respect to Intelligence Activities (pursuant to S.Res. 21, 94th Congress), has exchanged with the CIA considerable information

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The Honorable William J. Casey  
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and documents of a very sensitive nature. For historical and practical reasons, this exchange of information and documents is an essential part of the consultative and deliberative process between the two government branches. This process must continue if this Committee is to discharge its Constitutional duties to the U.S. Senate and the American people. It will greatly impair our ability to share sensitive Congressional documents with the CIA if by doing so they can become public under the Freedom of Information Act.

*That's how  
liaison people  
feel.*

When this Committee completes its work in an area, it carefully weighs all relevant considerations and then determines, according to the applicable Senate rules, what information can and should be released to the public. Consistent with this approach, strict security procedures are in effect for all of the Committee's intelligence activities records.

For the above reasons, we consider all documents generated by our Committee and those generated at an Agency pursuant to our request to be Congressional documents and therefore exempt under the Freedom of Information Act. We have taken this same position in writing for over three years, the time when we were first notified of Freedom of Information Act requests for Congressional documents which were in the physical possession of Agencies.

In this particular case, this Committee has made a special attempt to help plaintiff. On March 5, 1980, then Chairman Birch Bayh and myself as Vice Chairman wrote Ms. Paisley an overview of our findings regarding the death of her husband. Again on November 19, 1980, we answered in writing 29 questions submitted to the Committee by Ms. Paisley.

Sincerely,

  
Barry Goldwater  
Chairman

DDA

## EXECUTIVE SECRETARIAT

## Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS				
5	DDI				
6	DDA		X		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OEA				
16	C/PAD/OEA				
17	SA/IA				
18	AO/DCI				
19	C/IPD/OIS		X		
20					
21					
22					
SUSPENSE		Date			

## Remarks:

Please prepare response for  
DCI's signature.

Executive Secretary  
13 February 1982  
Date

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For your interest  
pls return to  
Stan

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